

1 CITY OF MARYLAND HEIGHTS

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9 ARMY CORPS OF ENGINEERS PUBLIC HEARING

10 HOWARD BEND DRAFT ENVIRONMENTAL IMPACT STATEMENT

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25 HELD ON THE 12TH DAY OF MAY, 2004

1 CITY OF MARYLAND HEIGHTS

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6 ARMY CORPS OF ENGINEERS PUBLIC HEARING

7 HOWARD BEND DRAFT ENVIRONMENTAL IMPACT STATEMENT

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14 PUBLIC HEARING at the Maryland Heights

15 Community Center, 2344 McKelvey Road, in the City of

16 Maryland Heights, State of Missouri, on the 12th of

17 May, 2004 before Reagan Fiorino, Certified Court

18 Reporter and Notary Public within and for the State

19 of Missouri.

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1 APPEARANCES:

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3 U.S. ARMY CORPS OF ENGINEERS, REGULATORY BRANCH:

4 Danny McClendon, Chief

5 Major Joseph Tyron, Acting District Engineer

6 Nicole Dalrymple, Public Affairs Office

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8 COMMUNITY PLANNING AND DEVELOPMENT:

9 Wayne Oldroyd, Director

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11 BOARD OF SUPERVISORS, HOWARD BEND LEVEE DISTRICT:

12 John Mullen, President

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1 MAJOR TYRON: I'm the Acting District
2 Engineer for the U.S. Army Corps of Engineers
3 St. Louis District. I will be presiding officer at
4 tonight's public hearing. My staff and I are here
5 to obtain information and to hear your views on the
6 Howard Bend Floodplain Area along the Missouri River
7 in Maryland Heights and Chesterfield in St. Louis
8 County. This of course is on the Draft
9 Environmental Impact Statement.

10 The purpose of tonight's public hearing is
11 to comply with the requirements of the National
12 Environmental Policy Act, or NEPA, whereby we obtain
13 public view and comments on the Draft EIS. My
14 regulatory branch has been working with the City of
15 Maryland Heights for the past four years to evaluate
16 the accumulative and secondary impacts to wetlands
17 and aquatic resources in a floodplain area.

18 With construction and near completion of
19 the Howard Bend Levee to a 500-meter level of
20 protection, the remaining wetland resources in this
21 area will be subject to extreme development
22 pressures; therefore, the Draft EIS has been written
23 to try and address the impacts that have occurred in
24 the past and what may occur in the future.
25 Hopefully this will allow us to develop a

1 comprehensive management plan to guide us in
2 determining the best course of action for the future
3 permitting actions in this area.

4 Before we start, I'd like to thank the
5 City of Maryland Heights for making this facility
6 available for us tonight. I'd also like to
7 introduce people seated at the table to me. First
8 off, Mr. Wayne Oldroyd from the Director of
9 Community Planning and Development for the City of
10 Maryland Heights. Ms. Nicole Dalrymple who will be
11 the facilitator tonight. Mr. Danny McClendon, Chief
12 of my Regulatory Branch. And our last one is -- I'm
13 sorry -- Mr. John Mullen, the Executive Director of
14 the Howard Bend Levee District. Sorry, John. Other
15 members of my staff are at the registration table
16 and they are in the audience. You can identify them
17 by their Corps name tags. In addition,
18 representatives from Mactec Corporation, Engineering
19 & Consulting Corporation who wrote the Draft EIS are
20 here in the audience, also.

21 As you entered the auditorium you were
22 asked to fill out an attendance and speaker request
23 record card which will be included as part of the
24 official record of these proceedings. If there's
25 anyone present who has not filled out one of these

1 cards, please hold up your hand now and somebody
2 from my staff will get you a card which you will
3 need to fill out and return to my staff, especially
4 if you want to make a statement later on this
5 evening. If you have any problems or questions
6 during the hearing, please feel free to seek
7 assistance from any one of my staff.

8 At this time I'd like to also introduce
9 the elected officials and the representatives of the
10 offices that are with -- representatives from their
11 offices that are out here tonight. First off, Mike
12 Reid, the representative from Senator John Loudon's
13 office. Jim Midas from Officer -- from -- a
14 representative for Congressman Akin's office. Mary
15 Vaughan for the City of Maryland Heights. And Dan
16 Fitz -- I'm sorry. I'm having a hard time reading
17 this one.

18 DAN FITZGERALD: Fitzgerald.

19 MAJOR TYRON: Fitzgerald. I'm sorry.
20 Judy Barnett from the City Council of Maryland
21 Heights. Mary Fontana Nichols from the City of
22 Maryland Heights City Council. We appreciate them
23 all for being here tonight. Are there any other
24 elected officials or representatives that are here
25 tonight that I didn't recognize?

1 Okay. Well, thank you. And I'm going to
2 turn my, the program over to my Public Affairs
3 Office, Nicole Dalrymple, who will explain the order
4 of business for here tonight and will run the
5 program. So without any further adieu, Nicole
6 Dalrymple.

7 MS. DALRYMPLE: Thank you, Major Tyron.
8 Good evening. My name is Nicole Dalrymple and I'm
9 from the St. Louis District's Public Affairs Office.
10 Tonight's proceedings will be as follows:

11 After I explain how we are going to
12 conduct the public hearing, I will introduce Danny
13 McClendon from our regulatory staff to briefly
14 explain the Draft Environmental Impact Statement and
15 what it entails. I will then introduce Mr. Wayne
16 Oldroyd from Maryland Heights who will briefly
17 explain their involvement in this process and their
18 Master Land Use Plan for the study area. Finally, I
19 will introduce Mr. John Mullen who will briefly
20 explain the Levee District's involvement in the
21 process and the construction of the new Howard Bend
22 Levee.

23 This public hearing is not a
24 question-and-answer session. The open -- the open
25 public workshop held prior to this hearing provided

1 an opportunity for questions and answers on Draft
2 EIS. The public hearing will focus on those who
3 wish to make a formal statement on the Draft EIS.
4 To ensure we get all available information, we will
5 allow everyone wishing to speak a full opportunity
6 to do so.

7 This hearing is being transcribed in its
8 entirety by a stenographer and is being recorded on
9 tape; therefore, it is necessary that every -- every
10 speaker speak directly into the microphone. To
11 ensure that the record is accurate and complete,
12 those of you speaking should state your name and
13 address, please, as well as the names of any
14 agencies, groups or organizations you represent.

15 Each organized group or organization will
16 be allowed only one representative to give its
17 official presentation. Organizations should select
18 a spokesperson to deliver their comments. This
19 prohibition does not include an individual; it is a
20 member of an organization for making a statement on
21 his or her own behalf. You may also make a
22 statement for another individual who could not
23 attend this hearing but has asked you to speak on
24 their behalf.

25 Those of you who have indicated on your

1 attendance card a desire to present an oral
2 statement will be called upon to do so. As of now,
3 a total of 15 people have indicated that they wish
4 to speak this evening. It is therefore necessary
5 that a time limit of five minutes be established so
6 that the hearing does not go on for an unreasonably
7 long time this evening. I will indicate when your
8 time is nearly up, and each speaker should please
9 close within the allotted time. Please remember
10 that if you do not get to finish your statement, if
11 you have a written statement please give it to the
12 staff, and the full statement will be included in
13 the record.

14 As we have previously stated, the purpose
15 of this public hearing is for us to obtain
16 information from you for our use in preparing the
17 final EIS. Let me emphasize that this is not an
18 adversary proceeding, nor is it a
19 question-and-answer assembly or a debate. There
20 will be no cross-examinations or rebuttals. In the
21 interest of a fair and orderly presentation of views
22 and in order to give everyone an opportunity to be
23 heard, each individual should be allowed to present
24 and explain their comments freely and fully;
25 therefore, in the interest of fairness and courtesy,

1 we ask that the audience give all speakers the
2 opportunity to speak without interruption.

3 If you are going to read a prepared
4 statement, please tell us before you begin and
5 provide us with a copy. In fact, we would like to
6 have all written statements handed in. If anyone
7 plans to hand in a written statement for the record
8 without speaking, please do so now or at the end of
9 the hearing. In addition, for your convenience, we
10 have forms for written statements provided at the
11 comment table which is directly behind you. You may
12 turn in any written statements in the comment boxes
13 that are on top of that table before you leave.

14 Our public comment period on the Draft EIS
15 will be open until Monday June 7, 2004 so that
16 anyone who wishes to submit a written statement or a
17 statement in addition to what is submitted at this
18 hearing can do so. Written statements submitted
19 after the public hearing must be mailed or brought
20 to U.S. Army Corps of Engineers' Office, St. Louis
21 District, Regulatory Branch at 1222 Spruce Street in
22 St. Louis, Missouri, 63103.

23 Let me emphasize that any comments must be
24 received by June 7 in order to be included in the
25 record. If you are mailing a comment, be sure to

1 make it to the attention of the Regulatory Branch.
2 We expect that tonight's published hearing
3 transcript will be available in June. A copy will
4 be available for review at the Corps' downtown
5 office or the City of Maryland Heights City Hall, as
6 well as posted on our web site.

7 Are there any questions on the conduct of
8 this public hearing?

9 Okay. I will now turn the floor over to
10 Danny McClendon, Regulatory Branch Chief, who will
11 briefly explain the purpose for the Draft EIS, the
12 Draft EIS contents, as well as future actions.

13 MR. McCLENDON: Thank you, Nicole.

14 Good evening, ladies and gentlemen. My
15 name is Danny McClendon, the Chief of the Regulatory
16 Branch for the U.S. Army Corps of Engineers,
17 St. Louis District. As Major Tyron indicated, my
18 office has been working with the City of Maryland
19 Heights and other resource agencies for the past few
20 years on this EIS to evaluate past, present and
21 potential future permit actions within the Howard
22 Bend Floodplain Area with the hope of developing a
23 Special Area Management Plan, or a SAMP, for this
24 area.

25 In early 2000, my office held an agency

1 and public scoping meeting in this building to
2 introduce the concept of the EIS and to begin the
3 NEPA and EIS process. With the publication of the
4 Draft EIS, we are now seeking additional public
5 input and comments on the proposed alternatives and
6 the possible SAMP. Let me briefly explain the
7 rationale for conducting the Draft EIS.

8 The U.S. Army Corps of Engineers has been
9 given the responsibility to administer a permit
10 program to regulate any structure or work within
11 navigable waters of the United States or in wetlands
12 through Section 10 of the Rivers and Harbors Act of
13 1899 and Section 404 of the Clean Water Act. If
14 anyone wants to place fill material or do work
15 within these waters or wetlands, a permit must first
16 be obtained from the Corps of Engineers.

17 For the Howard Bend Floodplain Area, we
18 have Section 10 authority for any work or fill
19 within the Missouri River and Section 404 authority
20 for any work or fill within wetlands or streams
21 within the floodplain; therefore, in the study area
22 which is from Interstate 70 on the east to the
23 Monarch-Chesterfield area to the west. There has
24 been numerous activities in the past that have
25 required permits that have resulted in approximately

1 58 acres of cumulative wetland impacts.

2 Many of the wetlands in this area were
3 drained and filled prior to the implementation of
4 the Clean Water Act which was implemented in the mid
5 1970s. With the completion of the Howard Bend Levee
6 and implementation of the Maryland Heights Master
7 Land Use Plan, remaining wetlands in this area may
8 be vulnerable to development; therefore, we have
9 prepared this Draft EIS to try and address
10 accumulative and secondary impacts that have and may
11 occur in the floodplain. In addition, there are a
12 couple of legal mandates that we are addressing in
13 the EIS.

14 One is the result of a special condition
15 that was put on the Page Avenue Extension Permit
16 that requires an EIS to be prepared if more than a
17 two-lane roadway, such as the Maryland Heights
18 Expressway connects to Page Avenue. The City of
19 Maryland Heights would like to connect probably at
20 least a four- to six-lane roadway to Page Avenue,
21 and this would, therefore, trigger the need to
22 prepare an EIS. The draft -- This Draft EIS is
23 addressing this condition.

24 In 1987, a court case known as the
25 Riverport Court Decree dictated the preparation of

1 an EIS if a levee, such as the Howard Bend Levee,
2 would connect to the Riverport Levee and require any
3 Section 10 or 404 permits. The Howard Bend Levee
4 construction has not required any Section 10 or 404
5 permits. With the potential construction of
6 interior flank levees along Creve Coeur and Fee Fee
7 Creeks to control interior flooding, Section 404
8 permits will be required for their construction.
9 These flank levees will connect to the main Howard
10 Bend Levee; therefore, we have evaluated the
11 potential future flank levees to comply with the
12 Riverport Court Decree.

13 I want to emphasize that this EIS has not
14 evaluated whether or not the Howard Bend Levee
15 should have been built. The levee has not needed
16 any Corps permits and is considered a pre-existing
17 condition. The EIS is focussing, therefore, on the
18 potential future developments in the floodplain and
19 protected by that Howard Bend Levee.

20 I would also like to point out that this
21 EIS is not the typical type of EIS. This EIS is a
22 programmatic review of past, present and potential
23 future actions. Is it different from typical EIS's
24 in that it's not focussing on a specific project
25 with a range of development alternatives. The City

1 of Maryland Heights has developed a Master Land Use
2 Plan for this area, and the St. Louis County Parks
3 is working on a Park Master Plan; therefore, this is
4 the perfect opportunity to develop a Special Area
5 Management Plan to evaluate future development in
6 the floodplain.

7 A SAMP is useful in that it evaluates the
8 environmental functions and importance of the
9 aquatic resources within a specific study area that
10 is environmentally sensitive and under strong
11 developmental pressures. It also reduces the
12 problems associated with traditional case-by-case
13 permit review. Developmental interests can plan
14 with predictability, and environmental interests are
15 assured that individual and cumulative impacts are
16 analyzed in the context of the broad ecosystem
17 needs.

18 The proposal to develop a SAMP in this
19 area will work closely with the City of Maryland
20 Heights and St. Louis County Parks to hopefully
21 develop a general permit that can be used to
22 streamline the regulatory process. The SAMP would
23 also develop wetland mitigation areas to compensate
24 for unavoidable wetland impacts permitted under the
25 general permit. The Draft EIS has identified

1 approximately 708 acres of wetlands within the
2 8,624-acre study area. Of these 708 acres of
3 wetlands, approximately 72 acres of wetlands have
4 been identified in the Draft EIS that may be
5 impacted from the future developments identified in
6 the EIS.

7 The future development includes the
8 potential flank levee construction, Maryland Heights
9 Expressway construction, Baxter Road extension, Hog
10 Hollow Road relocation, expansion of the
11 Metropolitan St. Louis Sewer District sewer,
12 build-out of the Maryland Heights Land Use Plan and
13 the construction of two subdivisions along Creve
14 Coeur Creek near Olive Boulevard. With the
15 integration of planned land areas dedicated to open
16 space, continued agriculture, wildlife habitat,
17 recreation and SAMP protected features, nearly 4,200
18 acres should remain undeveloped.

19 I would like to thank the City of Maryland
20 Heights for working with us on the proposal to
21 develop the SAMP. Successful SAMP's require a
22 sponsoring local agency to ensure that the plan
23 fully reflects local needs and interests. As Nicole
24 said, after tonight's public hearing we will be
25 accepting comments on the Draft EIS until June 7,

1 2004. After that we will evaluate the comments to
2 determine additional items that need to be addressed
3 and hopefully to prepare a final EIS by this fall.
4 With that, thank you very much.

5 And I'd like to now -- I'd like to turn it
6 over to Mr. Wayne Oldroyd with the City of Maryland
7 Heights.

8 MR. OLDROYD: Good evening. I'm Wayne
9 Oldroyd. I am the Director of Community
10 Development, the City Planner for the City of
11 Maryland Heights. What I'd like to do is take a
12 minute and explain to you as the interested public
13 the city's role in this EIS process. The first --
14 and we'll get the hard issue out of the way -- we
15 are responsible for the funding and management of
16 this process. The commitment to quality development
17 and protection of environmental resources is an
18 important goal and strategy in our plans; and,
19 accordingly, to plan for that we committed those
20 resources through the process and continue to commit
21 those resources. The second, as Danny has
22 indicated, is the preparation of the Howard Bend
23 Future Land Use Plan. And lastly, the future action
24 that we'll look forward to is the development of the
25 Implementation Plan and the Special Area Management

1 Plan.

2 I'd like to talk to you a moment for the
3 future land use plan. I recognize probably half of
4 you in the audience that participated in that
5 process. As you recall, that process was conducted
6 over a period of about a year and had a series of
7 workshops with landowners, developers and interested
8 parties in the City of Maryland Heights as well as
9 agencies external to the City of Maryland Heights,
10 such as St. Louis County Parks, City of
11 Chesterfield.

12 For those of you who are not aware, the
13 area that's under discussion has always been viewed
14 since the 60's when it was St. Louis County as a
15 future area for economic growth and development. In
16 1969, St. Louis County prepared a comprehensive plan
17 for the Missouri River that basically went from what
18 is now Earth City Business Park to what is now the
19 Valley, Chesterfield Valley/Monarch Levee District
20 with the City of Maryland Heights, the future City
21 of Maryland Heights in the middle of that area.
22 That focus of land use and economic development is
23 somewhat equivalent to what we are looking at today
24 nearly 40 years later.

25 In 1987 after the corporation of the City

1 of Maryland Heights, the city officials and plan
2 commission adopted a comprehensive plan which
3 included a development plan that was based upon the
4 assumption that if a levee was constructed what
5 would occur in that district. So that idea was
6 carried forward again when the city was
7 incorporated.

8 In 2000 we started the land use plan, as I
9 discussed, in response to the fact that the levee
10 district had committed to building the levee. The
11 city had committed revenues to construct what is now
12 the City of Maryland Heights Expressway from
13 Route 70 to Page and in response to a strategic
14 plan, 1999 strategic plan for the City of Maryland
15 Heights.

16 I'd like to take a minute in terms of the
17 strategic goals of the City of Maryland Heights and
18 how they drive this particular issue and vision.
19 One of our strategic goals is to develop, enhance
20 and economic -- excuse me -- enhance and diverse an
21 economic base. Those of you who are familiar with
22 the City of Maryland Heights, we are a
23 concentration, probably one of the largest
24 concentration of business, warehousing and
25 industrial uses in the St. Louis County in the

1 western third tiers -- excuse me -- third-tiers
2 suburban areas another goal is to develop the
3 transportation improvements to promote accessibility
4 and to decrease inner city travel. Obviously the
5 City of Maryland Heights Expressway is a major
6 contribution not -- not only to the local area but
7 far more important to the region as a whole.

8 The core value of the City of Maryland
9 Heights is to anticipate change and deal with it.
10 Change in this area has occurred due to the
11 investment of private property owners and the
12 construction of the levee, forwarding a vision
13 that's occurred over the last 30 years to promote
14 economic growth and development in this area, and to
15 partner with, make that growth work in the context
16 of environmentally sensitive areas.

17 We believe that the adoption of the land
18 use plan in two-thousand -- April of 2002 promotes
19 those competing interests in terms of economic
20 development and growth and environmental protection.
21 That plan has been summarized here tonight, is
22 available. There's several copies in the back and
23 is available on our web site. I hope that you
24 would, if you're not familiar with it, become
25 familiar with it.

1 The expectation in the Howard Bend
2 Planning Area is to develop approximately 1600 to
3 1800 acres of ground. That represents approximately
4 25 percent of the entire development area. Within
5 that development area of those -- of that
6 development we would anticipate through design
7 controls and implementation plans to further protect
8 anywhere from 25 to 50 percent within those projects
9 in creating additional environmental features and
10 open space.

11 That gets me to the next part of the next
12 step. Upon the completion of this hearing process
13 tonight, the City Council and Mayor have charged
14 myself and my department to go forward with the
15 preparation of what we refer to as the
16 implementation plan. The implementation plan will
17 address a whole series of issues related to land
18 use, the character of future development, the tools
19 it will take to evoke the vision of economic
20 development in environmentally sensitive areas.
21 That process will probably take the next six -- six
22 to eight months and will involve you as either an
23 interested party, landowner or adjoining agency in
24 that process. A key component of that
25 implementation, as Danny has referenced, is the

1 Special Area Management Plan which will become the
2 component to manage the natural resources in the
3 Howard Bend Planning Area.

4 Essentially the city sees this area as an
5 opportunity for growth and environmental protection
6 and a series of partnerships. The partnership that
7 is working here today is the City of Maryland
8 Heights, providing the funding and management for
9 the environmental process in conjunction with the
10 Army Corps of Engineers. And for that I'd
11 appreciate -- I appreciate and want to thank the
12 Army Corps in terms of working that partnership and
13 getting us to this point tonight.

14 It provides a further partnership in terms
15 of adjoining agencies such as the water company,
16 Howard Bend Levee District, MSD, and our neighboring
17 cities in St. Louis County, St. Louis County Parks.
18 All those agencies will need to work together to
19 make this plan what we believe it can be. And
20 lastly the last partnership are those that you are
21 in the audience today as either interested parties
22 or landowners. The public participation process is
23 evidence in the development of the land use plan and
24 evidence in the Corps' approach to getting public
25 input as a continuation of that partnership so that

1 we can listen and hear your views in order to create
2 the best development in this planning area.

3 I look forward to working for you, and
4 again I'd like to thank the Corps and also express
5 thanks to the Mayor and Council for providing the
6 resources and vision to continue the growth of the
7 City of Maryland Heights.

8 MS. DALRYMPLE: Thank you, Mr. Oldroyd.
9 I'd like to turn the floor over now to Mr. John
10 Mullen, who is the executive director of the Howard
11 Bend Levee District.

12 MR. MULLEN: Thank you.

13 Good evening. My name is John Mullen.
14 I'm the President of the Board of Supervisors of the
15 Howard Bend Levee District. I'm also the president
16 of Creve Coeur Airport which is located in that
17 district. I personally saw the flood damage in our
18 district in '86, '93, and helped fight for the '95
19 flood which we barely averted. So I have seen the
20 destruction wrought by flooding and also carefully
21 observed the protection afforded by the Riverport
22 and Earth City levees in the north of our district.

23 The district was organized and
24 incorporated in 1987 as a successor to the Howard
25 Bend Levee Association. The association was

1 originally organized many years earlier to support
2 and protect the properties of the Howard Bend Levee
3 area near Creve Coeur Lake. And of course this area
4 has been heavily used and occupied since the late
5 19th century for events such as the St. Louis County
6 Fair and the neighborhood which once existed at
7 Creve Coeur Lake.

8 The district was organized in order to
9 better cooperate with other local, state and federal
10 authorities as a public entity and as a political
11 subdivision of the State of Missouri.

12 The district foresaw the need to improve
13 the flood protection in the aftermath of the '93
14 flood. At that time several miles of levee were
15 relocated in order to recognize the FEMA floodway.
16 This placed over 150 acres in unprotected status
17 between the levee and the river. In 1995 the
18 district constructed approximately two miles of
19 100-year levee out of the FEMA floodway, improving
20 the most vulnerable sections of the levee.

21 After recognizing the increased potential
22 for economic development between Chesterfield Valley
23 and Riverport, the district next developed its plan
24 for 500-year flood protection improvements extending
25 from the City of St. Louis Water Division Plant in

1 Chesterfield to the Riverport levees beginning in
2 1995.

3 Plan design, easement acquisition and
4 financing were in place by 1999 when the first
5 construction contract was let. Extreme care was
6 taken to design the levee to an elevation which
7 would equal or exceed the quality and integrity of
8 the Earth City and Riverport levees which withstood
9 the '93 flood. Extreme care was also taken to
10 assure that levee construction completely avoided
11 any wetlands after careful delineation along its
12 entire route. This design received a very positive
13 stamp of approval when the recent U.S. Army Corps of
14 Engineers' study confirmed that the most vulnerable
15 upstream portion of the levee is now six feet above
16 the 500-year flood elevation.

17 Through many contracts and at times
18 challenging weather conditions, the levee has
19 progressed so that we are proud and happy to report
20 that it is very near completion, creating an
21 unparalleled level of flood protection from
22 Riverport to the City of St. Louis Water Division
23 Plant. In fact, they were doing the final earth
24 grading and compacting this week.

25 The district will shortly submit its

1 request for a Letter of Map Revision and, as many of
2 you know, has been working with the City of Maryland
3 Heights and the U.S. Army Corps of Engineers
4 regarding future planning efforts for protecting the
5 region.

6 We have cooperated with the City of
7 Maryland Heights in development of a Master Land Use
8 Plan. That plan sets an ambitious and dazzling
9 vision of the future of this central region of St.
10 Louis County.

11 We are cooperating with the City of
12 Maryland Heights on development of an implementation
13 plan for the Howard Bend area. It will be
14 developing a more detailed interior water,
15 stormwater management plan. This plan will create
16 the holistic model for controlling local stormwater
17 in an attractive and efficient and multi-purpose
18 system.

19 We have cooperated with the City of
20 Maryland Heights and the U.S. Corps of Engineers in
21 development of this Environmental Impact Statement.
22 Of course this EIS meets a primary goal to address
23 the need for road improvements from River Valley
24 Drive south to Page Avenue and, ultimately, to State
25 Highway 141. But early in the process we recognized

1 that establishment of an integrated planning process
2 might create an effective zoning and planning review
3 system which would be of benefit to the Howard Bend
4 Levee District and property owners of the area.

5 The district will be concentrating on
6 interior stormwater and creek water management in
7 the future. This remains essential to create high
8 quality development within the area. The district
9 has contributed substantially to the alternate
10 design options for the creek areas. These
11 alternatives offer contrasting methods to manage the
12 very substantial flows of water which develop in
13 these creeks in the event of unusually large storms.
14 We hope that these alternatives can be used to
15 develop a system which will enhance the City of
16 Maryland Heights while supporting the economic
17 development potential of the Howard Bend Valley.
18 These alternatives will provide aesthetic
19 enhancements and recreational opportunities while
20 meeting the stormwater functions.

21 We appreciate this opportunity to work
22 with the City of Maryland Heights and the U.S. Corps
23 of Engineers. We look forward to hearing from the
24 public tonight as well as making a few comments
25 later this evening during this public session.

1 Thank you.

2 MS. DALRYMPLE: Thank you, Mr. Mullen. We
3 will now begin taking statements on the Draft EIS.
4 All speakers please remember to state your name and
5 address and who you are representing clearly into
6 the microphone, and hand any written statements to
7 the staff or the stenographer. You can place them
8 in the box on the comment table.

9 Would Mike Reid representing State Senator
10 John Loudon like to speak.

11 MIKE REID: Thank you. I'm Mike Reid.
12 I'm here representing State Senator John Loudon, who
13 has the Howard Bend Study Area within his district.
14 In addition to representing people who live in
15 Maryland Heights, Senator Loudon also represents
16 nearby residents who live in Chesterfield, in Creve
17 Coeur, Ballwin, Ellisville, Town & Country, and
18 going north, Bridgeton, Hazelwood, Florissant. And
19 we feel that all of the citizens that live in the
20 Seven Senate District are going to benefit by this.
21 The Senator apologizes for not being here to address
22 you personally. The Missouri General Assembly is in
23 session, and this is the final week of their
24 session.

25 The Howard Bend Planning Area and proposed

1 road improvements contained within this area are
2 critical in improving transportation within our
3 region. The recently completed first phase of the
4 Maryland Heights Expressway and of Highway 364 have
5 increased the number of transportation options to
6 residents and visitors of the region, but there is a
7 need to do so much more.

8 We are working with a partnership between
9 Missouri Department of Transportation, the City of
10 Maryland Heights, St. Louis County and other cities
11 in the region in an effort to complete the final
12 linkage in a highway corridor running from
13 Interstate 370 in the north to Interstate 55 in the
14 south. This is a top priority for our office. The
15 new outer belt will create an efficient alternative
16 for those traveling north and south through
17 St. Louis County, helping to alleviate congestion,
18 gridlock and wear and tear on existing highways and
19 local roads. The construction of a multi-lane
20 highway throughout the study area is critical to the
21 success of this effort.

22 The Howard Bend area will also play a key
23 role in the future of the regional economy. If
24 development is planned and managed well, it will be
25 a driving force behind the region's economic health

1 in the decades to come. The decisions the Corps
2 makes now will impact residents of St. Louis County
3 for generations. We have an opportunity now to
4 ensure the future development will be coordinated
5 and responsible in minimizing its impact on our
6 remaining natural resources by establishing a
7 Special Area Management Plan at the start of what
8 will surely be a long process of development.

9 By adopting a plan that takes a
10 comprehensive approach to development, you ensure
11 that we balance the interest of all involved in
12 developing this land. A Special Area Management
13 Plan will take into account both economic and
14 environmental concerns, allowing us to preserve the
15 essential character of the area while maximizing the
16 benefit of the region.

17 I guess I forgot to state my address. Our
18 address is Room 322, State Capitol, Jefferson City,
19 Missouri 65101. Thank you for your time and
20 allowing me to be here.

21 MS. DALRYMPLE: Thank you, Mr. Reid. A
22 Mr. Howard Paperner from the City of Maryland
23 Heights.

24 HOWARD PAPERNE: I don't have anything
25 further.

1 MS. DALRYMPLE: Okay. Mr. Michael James
2 representing the Maryland Heights Chamber of
3 Commerce.

4 MIKE JAMES: Thank you. My name is Mike
5 James. I reside at 12181 Fox Point Drive, Maryland
6 Heights, Missouri 63043. I am currently a member of
7 the Board of Directors of the Maryland Heights
8 Chamber of Commerce and served as its chair last
9 year. The Maryland Heights Chamber of Commerce has
10 over 450 members, primarily businesses that are
11 located within the City of Maryland Heights and the
12 surrounding region, and our mission is to support
13 policies and improvements which are beneficial to
14 both residents in the area and the business
15 community.

16 The Chamber favors adoption of the Draft
17 Environmental Impact Statement and would encourage
18 this process to go forward as a planning tool to
19 enable the development of this area. And in
20 particular, the extension of the Maryland Heights
21 Expressway and its connection with Page Avenue and
22 its further extension to the south to provide a
23 transportation corridor in which we believe is
24 essential to the continued vitality of the business
25 community in Maryland Heights.

1 Specifically we would support the adoption
2 of a Special Area Management Plan in order to
3 provide a comprehensive and streamlined approach to
4 the development of the area. We believe that that
5 makes more sense, given the scope and size of this
6 area, and the opportunity for development which we
7 believe is terrific for this region, and not only
8 the City of Maryland Heights but the entire
9 St. Louis Metropolitan Region.

10 These steps will compliment the city's
11 efforts to make planning decisions that are
12 beneficial to both Maryland Heights residents and
13 businesses in the entire region. And in that
14 regard, the Chamber would like to express its
15 appreciation to Mr. Oldroyd, the entire planning
16 department, Mr. Loudon and the City Council for
17 their vision, foresight and guidance in this
18 process. Thank you.

19 MS. DALRYMPLE: Mr. John Mullen, Howard
20 Bend Levee District.

21 MR. MULLEN: Good evening. This is John
22 Mullen again. I'm actually representing the Creve
23 Coeur Airport this time which is located at 3127
24 Creve Coeur Mill Road in Maryland Heights. For
25 the -- I would like to speak now as the President of

1 the Creve Coeur Airport and, thus, a major landowner
2 within the Howard Bend Levee District. Creve Coeur
3 Airport owns approximately 300 acres of land in the
4 Howard Bend Valley.

5 We strongly support good, well-planned use
6 of the Howard Bend land area for reasonable economic
7 development. This land area is located nearly in
8 the heart of St. Louis urban area. Only 15 miles
9 from downtown St. Louis, nine miles from Clayton,
10 the Howard Bend Levee lies near major highways
11 connecting the region with Page Avenue, Interstate
12 Highway 70 and Maryland Heights Expressway either
13 within or nearby the district.

14 Economic development along the St. Louis
15 County's Missouri River corridor has generated
16 tremendous economic growth value in the St. Louis
17 County area. Approximately 15,000 acres of land are
18 protected within levee districts extending from
19 Hazelwood through Chesterfield Valley. Within this
20 area, there are nearly 1,000 businesses employing
21 over 35,000 people. There is over three billion
22 dollars of real and personal property as well as
23 vital facilities such as water and sewer treatment
24 plants, major interstate highways, and airports.
25 The -- the properties within these districts has an

1 assessed value of real property of nearly
2 \$400 million and produces over \$45 million in real
3 and personal property taxes as well as an estimated
4 28 million of annual state -- income tax payments.

5 Thus, we support quality economic
6 development which will provide these developments to
7 the City of Maryland Heights and the region. We
8 also recognize that good projects will provide
9 aesthetic and recreational features to enhance the
10 overall value of life and the environment we share.

11 In my career I've worked as a research
12 scientist and in that regard I feel qualified to
13 comment on some of the rhetoric cast by naysayers
14 concerning flood protection structures such as our
15 levee in the Howard Bend Valley. Some basic
16 fallacies are routinely thrown out by newspapers and
17 other experts such as:

18 Floods just keep getting higher and
19 higher. In fact, the combination of structural
20 flood control systems of levees, floodwalls and
21 reservoirs have produced stage-frequently
22 relationships not greatly different from those which
23 would have prevailed in 1820 when extensive use of
24 the Mississippi River -- Mississippi and Missouri
25 floodplains commenced.

1 2. Wetlands would collect and hold
2 floodwaters if restored, preventing major floods.
3 In fact, the use of wetlands as a flood reduction
4 technique for the Missouri and Mississippi Rivers is
5 impractical and ineffective. As evidenced in 1993,
6 if all the agricultural areas that were filled with
7 water had been wetlands, little difference in river
8 stages would have been seen. Wetlands are simply
9 overwhelmed in major floods just as are agricultural
10 lands.

11 3. So many levees were overtopped they
12 obviously don't work. In fact, the St. Louis area
13 levees designed to withstand the '93 flood did just
14 that at Riverport, Earth City, Downtown St. Louis
15 and East St. Louis. Levees that did not fail --
16 levees not engineered to withstand the '93 flood
17 elevation failed as would be expected. Urban levees
18 in the St. Louis area prevented billions of dollars
19 of damage.

20 4. Floods are caused by human impacts on
21 the rivers. In fact, the floods of '86, '93, '95
22 were caused by unusual and unprecedented rainfall
23 over a vast area of the river basins of the Missouri
24 and Mississippi Rivers. Rainfall was unprecedented
25 in volume and breadth; July rainfalls totaled 200 to

1 600 percent of normal -- of normal were common
2 during that period. We produced a flow of water --
3 a flow of water able to fill Busch Stadium in 69
4 seconds or over a million cubic feet per second.

5 Well-engineered flood protection
6 structures do not cause floods and promote the
7 productive use of urban areas and land resources.
8 This should be reported and emphasized in the Final
9 Environment Impact Statement. Thank you.

10 MS. DALRYMPLE: Thank you, Mr. Mullen.
11 Mr. Wayne Freeman with the Great Rivers Habitat
12 Alliance.

13 WAYNE FREEMAN: My name is Wayne Freeman.
14 I'm the executive director of Great Rivers Habitat
15 Alliance. I'm also here representing the Missouri
16 Coalition for the Environment which I'm a board
17 member and as well as the Sierra Club. It appears
18 I'm one of those naysayers, so...(click).

19 The real issue tonight is not necessarily
20 the dealing of the SAMP. A Special Area Management
21 Plan is nothing more than a mechanism to remove the
22 wetlands that are out there now. It's not a
23 planning tool. It's a mechanism that will basically
24 remove all of the wetlands out there. The real
25 issue here is the Corps dropped the ball on this

1 project. The Corps did not -- and they had the
2 jurisdiction and the responsibility to challenge the
3 Howard Bend Levee District. They did cross Creve
4 Coeur Creek. They did constitute in triggering the
5 404 permit process. But the Corps of Engineers
6 repeatedly refused to do that. This project is,
7 you've spent \$400,000 on an Environmental Impact
8 Statement that was done after the fact. The project
9 is you're doing an EIS after the fact, after you've
10 already built the levee after the damage has been
11 done. The project was piecemeal and it was clearly
12 illegal. It clearly violates Section 10. It
13 clearly violates Section 404 of the Clean Water Act.

14 I looked at the cumulative effects maps
15 that you've got over here, and we've been clamoring
16 for a cumulative effects study from the Corps of
17 Engineers for a number of years to be done on levees
18 within the St. Louis Metropolitan District. We
19 still don't see that. We hope that Senator Bond
20 will be doing that shortly. But that's what needs
21 to happen. We need to have a cumulative effect
22 study, as the previous commenter said, which I agree
23 with none of what he said regarding the naysayer
24 components.

25 The problems are we are building levees

1 and we have done research and studies where nowhere
2 else in the entire world are we seeing the amount of
3 floodplain development that we are in St. Louis.
4 Nowhere else in the entire world. And that's a
5 pretty pathetic thing to be seeing as far as a Land
6 Use Plan.

7 I find it interesting that Mike Brazier,
8 who was the head of Regulatory, was not involved in
9 this project from a -- although I like Mike -- is
10 not a project, involved in the project from a, on
11 the opposite side working for private industry and
12 working on the mapping and development of this. I
13 don't know how much he was involved in on
14 facilitating the actual levee, hopefully not, but
15 that draws a lot of interest.

16 One thing that we'd like to note is that
17 we had 12,000 acres of land that was under water ten
18 to 15 feet in 1993 that has been removed from the
19 floodplain, from its natural flood pools. And one
20 of the interesting points is, you know, man may not
21 cause the floods, man may not cause the rain, but we
22 are sure pushing water onto others. And this
23 project and the levee that was developed does that.
24 It pushes the water onto St. Charles who in turn
25 they want their levees over there and they want to

1 increase heights. We all know that the L-15 levee
2 in 1990 -- in 1973 and again in 1985 there was a
3 proposal to do a hundred-year level levee in
4 St. Charles County which would have been inundated
5 during the 1993 flood. But all of that commercial
6 development that you all are planning here now would
7 have been developed in St. Charles County and it
8 would have all either been flooded, inundated and we
9 as taxpayers would be paying for that, or it would
10 have pushed it down to the engineered wall down in
11 St. Louis where we were 14 inches from going over
12 the top. And that floodplain in St. Charles County
13 held 260-billion gallons of water all upstream from
14 the narrowest point on the upper Mississippi River.
15 So it's levees and people getting involved in this
16 and doing poor land use planning, putting things in
17 areas where it need not be that constitutes these
18 flood problems that we have every so often, every 20
19 years or so.

20 The one thing that this project does do is
21 it gives us the road map to oppose the St. Peters
22 project. We think that they'll probably do the same
23 thing since you've been so successful with it here,
24 but we now have a road map to challenge that in
25 court. It rests -- the decision on whether or not

1 to challenge this eventual project, we haven't made
2 that decision. But we would like an additional 60
3 days for our attorneys to review this 300-page
4 document and to determine what we're going to do
5 with this, if anything.

6 As, again, I think it's clear that the
7 Corps dropped the ball on this. We said it before.
8 We put it in writing to you before. And how it's
9 bearing fruit. You're all coming back in and doing
10 a SAMP where it's obvious that you're triggering the
11 404 permit process with the parallel levees or the
12 whatever you're calling them, the flank levees. We
13 knew that. We alerted you to that. We put it in
14 writing before and you refused to look at it, so
15 again the Corps dropped the ball. It was just us
16 that didn't have our act together to file suit to
17 challenge the levee construction in the first place.
18 So we really have nobody to blame but all of
19 ourselves collectively. The project is there. The
20 damage has been done. Now all we can do is look to
21 other projects and say this is the example of what
22 not to do. Thank you.

23 MS. DALRYMPLE: Thank you, Mr. Freeman. A
24 John Basilico.

25 JOHN BASILICO: My name is John Basilico.

1 My business address is 111 Corporate Office Drive,
2 Suite 103, Earth City, Missouri 63107 -- 63045, I'm
3 sorry. I wear a couple of hats. One of which is
4 I've been involved in the formation of the Earth
5 City Levee District. The Earth City Levee District
6 has 1891 acres which is almost parallel per acre to
7 what's being proposed for development for commercial
8 work, commercial activities in the Howard Bend Levee
9 District. I'm also president of the St. Louis
10 County Levee Association that was recently formed.
11 I'm probably one of the few people here or maybe the
12 only person here who has familiarity with
13 development on the floodplain. I've been involved
14 with Earth City since 1971 with the exception of
15 three years in the 70s and actively involved on a
16 day-to-day management of Earth City since 1980.

17 Earth City and the Earth City Levee
18 District is 1891 acres. Today it has 440 businesses
19 and 23,400 people, 19 million feet of space and a
20 real estate value based on St. Louis County's tax
21 records is over a billion dollars and there's
22 probably another billion dollars worth of goods and
23 inventory in these buildings. So the economic
24 impact of a development in Earth City, the school
25 districts in Earth -- the Pattonville School

1 District and Hazelwood School District that share
2 the tax revenue for the county has been very
3 important. But I can also tell you who else has
4 been important to it. This is a business park
5 directly for all the levee district. It lists 440
6 businesses and 23,000 people who work there. It's
7 been an important development for them.

8 Now let me wear another hat. My early
9 days before in Earth City I sold over 600 acres of
10 ground within the Earth City Business Park. I often
11 ask people: Why Earth City? Why not up on a high
12 ground? In response to most of them would be what
13 high ground are you talking about, there's nothing
14 left to develop. We want ten acres and all they can
15 show us is a three-acre site. We don't want to go
16 to Wellston. There's nothing downtown in St. Louis.
17 And in the early 80s, why go to St. Charles. It's
18 farm land out there and small development of
19 residential area. So it's been recently that St.
20 Charles have begun to develop. So they've come to
21 Earth City. Chesterfield was just beginning. There
22 was no Howard Bend Levee District and Riverport was
23 a 1985 development by (inaudible). So wherever they
24 go, they came to Earth City to develop.

25 After the '93 flood which we successfully

1 withstood, also the '86 flood and the 1973 flood and
2 the 1995 flood, not a bit of a problem with our
3 levee. And there shouldn't be a bit of problem with
4 the Howard Bend Levee District because the same
5 people who designed Earth City designed Howard Bend
6 Levee District.

7 The point I'm trying to make is where are
8 our people going to go. The Post Dispatch recently
9 said in an article that there should be other areas
10 that should be developed, but they also said they
11 can't really say where that should be. In St. Louis
12 County, tell me where you can find a hundred acres
13 ready to be developed. Where? I can't find it. If
14 you want to tear down houses you can find it, but
15 then you have other problems with that.

16 So my point is, the economic development
17 of St. Louis County is important. These businesses
18 that are in this directory are an important reason
19 why to be developed. Where else would they go?
20 St. Louis is not a very proactive community almost
21 in anything, certainly not in economic development.
22 And they don't have an opportunity to go -- how far
23 out do you want them to go over in St. Louis County?
24 Franklin? Jefferson County? Illinois? Where
25 should they go?

1 And before I close, I could not pass on
2 the fact that in 1971, the Coalition for the
3 Environment filed a lawsuit to stop Earth City and
4 did absolutely nothing with it. Five years later
5 along with our attorney, I settled that lawsuit. It
6 involved two minor items. They sued everybody they
7 could, every federal agency, county, etc, they
8 merged them all together, sat down with their
9 attorney, now deceased. Two minor items. Both
10 resolved in about five minutes. We said, fine, we
11 can get rid of it, can't we. He says, oh, yes, as
12 soon as you pay my quater-of-a-million-dollar fee.
13 Why should we pay your fee? Coalition for the
14 Environment doesn't have any money. We did not pay
15 the fee. We considered it blackmail. We, being the
16 Ford Motor Company, the developers of Earth City.

17 In closing, I also spoke on behalf of the
18 Riverport development in 1986, and I closed with
19 this particular statement when I asked the Coalition
20 for the Environment one question: How many jobs in
21 St. Louis County have you developed?

22 MS. DALRYMPLE: Thank you, sir. Mayor
23 Michael Moeller from the City of Maryland Heights.

24 MAYOR MOELLER: Thank you. Good evening.
25 I'm Mike Moeller, Major of the City of Maryland

1 Heights. Thank you for being here tonight to
2 participate in the discussion about the future of
3 Howard Bend Levee. The city recognizes that we play
4 an important role in managing the future growth of
5 the Howard Bend Planning Area, but we are only one
6 of many that will be involved in this effort. A
7 strong partnership between the city, property
8 owners, developers, the state and federal government
9 and regional agencies will determine its success in
10 the area's future development. Still, since this
11 area lies almost completely within the bounds of
12 Maryland Heights, we believe that we have a
13 responsibility to take a leadership role defining a
14 vision for the area and then making that vision a
15 reality. In response, we have developed the Howard
16 Bend Future Land Use Plan which we believe will
17 facilitate the highest and best use of this area in
18 terms of both economic development and environmental
19 responsibility.

20 In Maryland Heights we have a strong
21 commitment to economic growth and development. In
22 fact, we have made it one of our primary strategic
23 goals to develop and enhance and diverse the
24 economic base for the city. The Howard Bend area
25 provides an excellent opportunity for us to fulfill

1 this goal if the development is planned and managed
2 wisely and efficiently. Because of its outstanding
3 location near Lambert Airport, I-70 and I-270 and
4 the Westport and Riverport developments, Howard Bend
5 is well positioned as a unique regional development
6 opportunity.

7 One of our top priorities for the Howard
8 Bend is the quality of the development that takes
9 place in this area. We are convinced that quality
10 begins with quality; that high quality development
11 sets a tone that will attract more high quality
12 development. If the standard for development is
13 high from the beginning, it will attract quality
14 developers and developments in the future. And if
15 the area develops a reputation as a first-class
16 venue for development, it will only increase the
17 value of individual parcels of land as well as the
18 area as a whole.

19 Developing the necessary infrastructure to
20 encourage quality development is key, and Maryland
21 Heights is committed to helping create
22 transportation connections within the region. We
23 recently completed the four-lane Maryland Heights
24 Expressway which links I-170 and Earth City
25 Expressway to Highway 364. However, in order to be

1 able to support the caliber of developments we're
2 hoping to attract to this area, the connection
3 between the Expressway and Highway 364 needs to be
4 expanded to four lanes from the current two-lane
5 interchange. Our Land Use Plan incorporates this
6 improvement and others in order to maximize
7 accessibility within the area and throughout the
8 region.

9 However, we are not willing to pursue
10 economic growth at the expense of abundant natural
11 and environmental resources our city is blessed
12 with. Rather, we seek to balance quality
13 development with environmental responsibility. We
14 have prepared the Howard Bend Future Land Use Plan
15 which supports high quality development and economic
16 growth within the region while sustaining and
17 protecting the environmental resources of the area.
18 We have also committed both staff and resources to
19 implementing that plan.

20 The purpose of our plan is to encourage
21 and require development that is more than just
22 economically productive. We will also promote
23 quality of life which includes open space, such as
24 Creve Coeur Park and Lake, into the commercial
25 fabric of the plan. It preserves environmental

1 resources along the riverfront and provides access
2 to natural open spaces while allowing small-scale --
3 large-scale businesses and development to thrive.
4 By preserving the hospitality and recreational uses
5 that already exist in this area, we can create an
6 atmosphere that is more attractive to both
7 businesses and workers.

8 We believe that the best way to manage the
9 development of Howard Bend is through a Special Area
10 Management Plan which would create a large-scale
11 master plan for the area. This approach establishes
12 a comprehensive permitting process from the
13 beginning, rather than evaluating each development
14 on a case-by-case basis. In doing so, we could
15 ensure that the resources and unique character of
16 the area are protected throughout the development
17 process. The Special Area Management Plan addresses
18 the overall long-term needs of the area rather than
19 allowing development to be done in a piecemeal
20 fashion. The result will be a higher quality of
21 development that also incorporates the needs of this
22 area's ecosystem.

23 Again, thank you and have a good evening.

24 MS. DALRYMPLE: Thank you, Mayor Moeller.

25 Next, Karen Frederick from Horner & Shifrin.

1 KAREN FREDERICK: (Inaudible).

2 MS. DALRYMPLE: To Gene Rovak.

3 GENE ROVAK: My name is Gene Rovak. I'm
4 an engineer with Horner & Shifrin Engineers. We are
5 the engineers right before the Howard Bend -- Howard
6 Bend Levee District. Our offices are at 5200
7 Oakland Avenue, St. Louis, Missouri 63110.

8 Storm water management in the Howard Bend
9 area will deal with the real needs of flood control
10 and drainage while allowing for a balanced mix of
11 land uses and preserve a considerable amount of land
12 for open spaces and possible recreation uses.

13 The expansion of commercial land into
14 metropolitan fringe areas that were previously
15 agricultural is common but is approached with
16 misgivings, and some of the issues are not
17 intuitively apparent.

18 In the case of agricultural floodplains in
19 particular, ecological transformation can take place
20 long before more intensive use. Major changes occur
21 with the construction of ag levees built for 25- to
22 40-year flood production. These ag levees are lower
23 than urban levees, but their existence has already
24 served to isolate the river from the floodplain.
25 The process of river-borne sediment being deposited

1 annually or biannually on bottomland, and the
2 unimpeded migration of aquatic fauna from the river
3 to its tributaries are processes that have been
4 arrested decades ago.

5 As land use changes, conversion of
6 improved agricultural land can be a better choice
7 than intrusion into completely undeveloped land.
8 The latter provides a much wider range of habitat,
9 and therefore it suffers greater habitat loss than
10 does farmland. In addition, the alternate of
11 leapfrogging development into areas at much greater
12 distances makes far greater demands on the extension
13 of infrastructure than developing areas closer to
14 existing infrastructure.

15 The major portion of the stormwater
16 management system for Howard Bend is not required
17 for the local drainage but consists of facilities
18 dedicated to providing a safe method to store runoff
19 from Creve Coeur and Fee Fee Creek watersheds --
20 water from Maryland Heights, Creve Coeur,
21 Chesterfield and other nearby communities -- before
22 discharging it to the Missouri River.

23 In a matter similar to the existence of
24 the levee for nearly half a century before the new
25 construction, artificial alignment of the creeks has

1 long been a fact. Since the early 1960s, Creve
2 Coeur and Fee Fee Creeks, which previously flowed
3 northwards towards Bridgeton, have been routed to
4 the Missouri River in an artificial channel that
5 runs along the northeast edge of the MSD's treatment
6 plant. Subsequent modifications to the portions of
7 these creeks within the protected area will provide
8 increased, not reduced, opportunity for native
9 vegetation and wildlife. Flank levees already exist
10 along the creeks in this area and they'll continue
11 to exist in the future, but in the future they will
12 be set further apart to provide significantly wider
13 flood storage area. Even with the need to maintain
14 a clear waterway, the new artificial floodway will
15 provide room for more native growth than the narrow
16 channel that now exists.

17 An important action to facilitate the
18 smart development in the levee district is to
19 control and manage that stormwater. There are two
20 options in the Draft EIS with awareness to the
21 sensitive nature of the environment. It's important
22 to recognize the inherent resiliency in the river
23 bottom environment. The existing creek channels
24 that are discussed in the report are entirely man
25 made and they have been developed in a -- and they

1 have developed in a relatively short time, the
2 wetland and riparian characteristics described in
3 the report. Therefor, one can reasonably expect
4 that any improvements made to these creek channels
5 to improve stormwater conveyance and storage will
6 develop into the very environmental areas described
7 in the report.

8 Ingenuity, creativity and market forces
9 will likely foster these improvements regardless of
10 a SAMP being developed. With respect to the more
11 than seven miles of river levee, environmentally
12 sensitive areas, such as wetlands, were avoided and,
13 where required, the levee was moved out of the
14 regulatory floodway. It's anticipated that the same
15 level of care will be taken in avoiding wetlands and
16 sensitive areas when designing the creek flank levee
17 improvements. In the end, the design and
18 development of the stormwater control system will
19 provide a good, high-quality, multi-purpose corridor
20 for the benefit of many, whether they be landowners,
21 developers, recreation seekers or wildlife.

22 Thank you for the opportunity to talk.

23 MS. DALRYMPLE: Thank you, Mr. Rovak. Ed
24 Ortman from Ortman Farm. Would you care to speak.

25 MALE SPEAKER: He's not here. Went home.

1 MS. DALRYMPLE: William Friedman, West
2 Continental Apartment [sic].

3 WILLIAM FRIEDMAN: That's all right. I
4 have nothing to say.

5 MS. DALRYMPLE: Irvin Friedman.

6 IRVIN FRIEDMAN: Nothing.

7 MS. DALRYMPLE: Daniel Human from Husch &
8 Eppenberger.

9 DANIEL HUMAN: Good evening. My name is
10 Daniel Human. My address is 190 Carondelet Plaza,
11 Suite 600 in St. Louis. I'm an attorney with Husch
12 & Eppenberger, the law firm that represents Howard
13 Bend Levee District. Tonight I'd really like to
14 recognize first, the persons who have spent so much
15 time and effort preparing this Draft Environmental
16 Impact Statement. Wayne Oldroyd and Danny McClendon
17 have worked very hard to produce this really pretty
18 extraordinary and impressive work product, along
19 with all the staff of the Mactec engineering firm
20 who have collected so much of this data. We're very
21 pleased to have reached this point in the long
22 process of developing this Draft EIS over four years
23 underway. It's been a very worthwhile and valuable
24 process, and we look forward to bringing it to a
25 productive conclusion soon.

1 I believe it might be helpful to comment
2 on certain basic aspects of the study that may be
3 unclear to some people. I have these written
4 comments, and I'm not necessarily going to give all
5 of them. Some of these have been gone over earlier
6 tonight. I think though it's important to remember
7 that this study was generated by the need to connect
8 more than a two-lane road to Page Avenue, and
9 included in the study, in order to create a more
10 comprehensive approach, we added the study of local
11 stormwater management projects along Creve Coeur and
12 Fee Fee Creeks. If the study was not done in this
13 fashion, it would not mean that development would
14 not occur. It would simply mean that it would occur
15 in a less coherent and well-planned fashion. The
16 study itself does not ease construction. In fact,
17 it proposes imposing substantial additional burdens
18 in the form of land use restrictions within the
19 study area as well as comprehensive mitigation
20 requirements. The study proposes coordinating Army
21 Corps and local land use planning to assure the best
22 possible result for local planning and
23 wetland/natural resource management.

24 Now, there's been a lot of discussion
25 about wetlands and the Howard Bend Missouri River

1 Levee. The Howard Bend District did not circumvent
2 any legal requirements under Section 4 but, in fact,
3 proceeded to very carefully comply with the primary
4 rule of wetland law which is to avoid impacts on
5 wetlands to the extent possible, and the district
6 simply observed in the course of designing a levee
7 that there were, in fact, no wetlands that had to be
8 impacted by the construction. Any complaint that
9 Section 404 has been circumvented in fact reveals
10 that there is some hidden agenda not in compliance
11 with the law but some other agenda to block an
12 otherwise lawful activity.

13 The Levee District is mandated to protect
14 the properties within its boundaries from flooding
15 and has done so in a manner which protects wetland
16 resources and avoids harm to its neighbors. The
17 district is, the Howard Bend Levee District is
18 pleased to have succeeded in providing excellent
19 flood protection from major water plants for
20 St. Louis City and County and St. Charles County,
21 for the Missouri River Waste Water Treatment Plant
22 of MSD, for the Creve Coeur Airport, Harrah's Casino
23 and the St. Louis County Creve Coeur Park. The
24 district is pleased the damage to these vital plants
25 and beautiful areas will be avoided in the future.

1 Section 404 and other federal laws do not
2 regulate or control such flood protection. They are
3 not designed to prevent flood protection. They have
4 certain specific objectives: Wetland avoidance and
5 protection under the Clean Water Act, protection of
6 navigable waters under Section 10 of the Rivers and
7 Harbors Act. Floodplains in St. Louis, in the
8 St. Louis area are vital economic resources to be
9 used to maximize their benefits to the community,
10 and those benefits do include economic development
11 activity.

12 Now, there's been a lot of talk about
13 piecemeal planning. In fact, this study is an
14 excellent example of the efforts to plan, in a
15 comprehensive way, to avoid piecemeal planning and
16 any wetland mitigation which this process, through
17 the Special Area Management Plan, the wetland
18 litigation which will ultimately I believe be
19 proposed will in fact create a far better natural
20 resource than the isolated marginal farm and
21 wetlands and narrow channelized streams that
22 currently exist in the study area. Those are the
23 only ones that are likely to be impacted by future
24 development.

25 Taking this further about the future

1 wetland impacts, I will make one comment that's
2 maybe somewhat critical of the study from our
3 perspective. The study, if anything, exaggerates
4 the likely impact on wetlands in the future. The
5 district's flank levee projects will likely need to
6 affect only a handful of acres by spreading the
7 levees away from the creek channels and essentially
8 preserving creek channels largely unaffected. The
9 creek channels will have vastly expanded floodway
10 areas. Based upon our experience in Chesterfield
11 Valley and elsewhere, other land use development
12 will likely only impact a fraction of the acres
13 foreseen. We understand the need to project based
14 upon reasonable worst-case scenarios, but it would
15 be a mistake to design and build mitigation based
16 upon this worst-case scenario.

17 MS. DALRYMPLE: Sir, you're at five
18 minutes.

19 DANIEL HUMAN: The brief comment on the
20 Special Area Management Plan, we want to emphasize
21 the need to move forward with that in an expeditious
22 manner and to come up with a clear program that will
23 be readily understandable and usable for projects in
24 the future. For example, a chart of who, what and
25 when would be very helpful to explain various

1 responsibilities of the different agencies and how
2 they will relate to one another.

3 The district has appreciated the
4 opportunity to cooperate with the Corps of Engineers
5 and the City of Maryland Heights, and we look
6 forward to continuing that process as we develop, I
7 believe, I hope we will be developing a Special Area
8 Management Plan. Thank you.

9 MS. DALRYMPLE: Thank you. A Ms. Virginia
10 Harris.

11 FEMALE VOICE: (Inaudible).

12 MS. DALRYMPLE: Patrick O'Driscoll.

13 PATRICK O'DRISCOLL: Pass.

14 MS. DALRYMPLE: A Keith Hanlon.

15 KEITH HANLON: My name is Keith Hanlon,
16 2210 Clouds Peek, Maryland Heights 20653. My only
17 comment I want to make is I wonder if we're not
18 comprehensive enough. We've got a delineated study
19 area. We're building a 500-year levee. But as
20 other counties in the confluence area also build
21 their 500-year levees, I wonder what studies have
22 been done to determine when does our 500-year levee
23 become a 100-year levee because of all the levees
24 being built and the floodplains being cordoned off.
25 After all, when there is flood damage it's tax money

1 that goes to pay for the damage that's been done,
2 and I just wonder if we're not being farsighted
3 enough and that's all. I thank you.

4 MS. DALRYMPLE: Thank you, Mr. Hanlon.

5 That concludes the speakers who indicated
6 that they wished to make a statement this evening.
7 Is there anyone else who would like to say
8 something?

9 Okay. That includes [sic] my portion this
10 evening. I'll turn things over to Major Tyron.

11 MAJOR TYRON: Let me reiterate what Nicole
12 has said. If there is anybody that does want to
13 speak, I'd like to invite you up here. Anybody?

14 I thank you for coming up here and you're
15 extreme courtesy in yielding your time, and we
16 appreciate you coming out this evening to express
17 your views. We appreciate your comments, and I want
18 to assure you that all of these comments and the
19 information that you provided will be contained in
20 the final -- and used in the final preparation of
21 the Environmental Impact Statement.

22 I want to remind you again that the
23 comment period for the Draft EIS will close on
24 7 June 2004, so if there is something you have not
25 included tonight or you wanted the -- written

1 comments you can mail them to our office. The
2 address has already been given. And that all of
3 these things will be included in the Draft EIS.

4 Once again, thank you very much and thank
5 you for your time, valuable time to come out tonight
6 and express your opinions. Thank you.

7 (Whereupon the hearing was concluded.)

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1 C E R T I F I C A T I O N

2

3 I, Reagan Fiorino, Certified Shorthand
4 Reporter within and for the State of Missouri, DO
5 HEREBY CERTIFY that I was present at the proceedings
6 on the date and at the place aforementioned and that
7 the aforesaid proceedings were had as appears
8 herein, and that this is a true and accurate record
9 of said proceedings.

10 IN WITNESS WHEREOF, I have hereunto
11 subscribed my name this 2nd day of JUNE, 2004.

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Reagan Fiorino, CCR #810

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